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T-885 P.001/002 F-105

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July 22, 2003

CONTINUING THE PRACTICE OF  
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Re: Owner: SMITH, Graham Thomas and FELS, Deborah Ingrid and  
TREVIRANUS, Jutta  
Patent Application in U.S.A.  
Serial No. : 09/423414 Filing Date: May 6, 1998  
Our Case : P150299  
Title : Teleconferencing Robot With Swiveling  
Video Monitor  
Examiner's Report Mailed: June 10, 2003  
Paper Number 12

Dear Examienr Eng:

**REQUEST FOR RECONSIDERATION OF FINAL REJECTION**

The applicant is in receipt of the Final Office Action mailed June 10, 2003.

By the Office Action the Examiner has rejected to all of the present claims, *and has made the rejection final*. However, it is noted that the Examiner has raised new grounds for rejecting the claims which were not previously raised. In particular, the Examiner has raised an objection to claims 1 to 6, 8 to 16, 18 and 21 as being unpatentable over Okaya (U.S. Patent 5,808,663) in view of Kuno (U.S. Patent 5,802,494). It is respectfully submitted that the Examiner has not based any previous objection to these claims in view of Kuno. While the Examiner has objected in the previous Examiner's Report to claims 10 and 12 in view of Okaya, Hildin (U.S. Patent 5,844,599) and further in view of Kuno, the Examiner has for the first time objected to claims 1 to 6, 8 to 16, 18 and 21 as being unpatentably over Okaya in view of Kuno. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this final rejection as being premature in view of the fact that it raises objections not previously raised and therefore has not given the applicant and Examiner an opportunity to canvas the issues, which should be done before a final rejection is issued in the event the applicant wishes to appeal the Examiner's decision.

It is further noted that paragraph 6 of the Examiner's Report states "Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of objection". It is respectfully submitted that in view of this comment the Examiner and the applicant are on common ground that this Examiner's Report mailed June 10,

- 2 -

2003 raises new grounds of objections which the applicant has not had an opportunity to respond to previously. As such, the fact that this Examiner's Report is final in nature is clearly premature.

It is also noted that the response filed March 3, 2003 amended claim 1. However, it is clear that the amendment to claim 1 was merely to include the subject matter recited in previous claim 20 and therefore a new issue did not arise by this amendment. In particular, it is noted that the Examiner had not objected to previous dependant claim 20, which has now been incorporated into independent claim 1, in view of Okaya and Kuno.

The Examiner is respectfully reminded that in every case, an applicant is entitled to a full and fair hearing, with a view to developing clear issues between the applicant and Examiner. The Examiner is respectfully referred to paragraph 706.07(a) of the United States Manual of Patent Examination Procedures which states:

[A] second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, or newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

It is respectfully submitted that to the extent amended claim 1 corresponds to previous claim 20 written in independent form, it is believed that having regard to the spirit and scope of the Patent Office Rules of Practice, the final rejection raising new grounds of objection in view of the Kuno reference is premature.

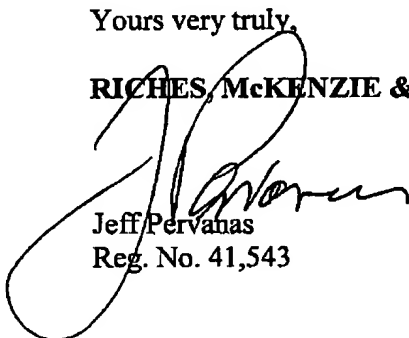
Accordingly, at least for the above reasons, the Examiner is respectfully request to confirm the withdrawal of the final rejection and issue a new Office Action which is non-final and raising the same issues such that the applicant will have an opportunity to respond to the Examiner's objections before this application proceeds to the next stage, namely either allowance or appeal.

Favourable consideration and disposition is respectfully requested.

Yours very truly,

**RICHES, MCKENZIE & HERBERT LLP**

JP/kap

  
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